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*Attorneys for individual and representative
Plaintiffs Shonetta Crain and Kira Serna*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SHONETTA CRAIN AND KIRA SERNA,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

ACCREDITED CASUALTY AND SURETY
COMPANY, INC., et al.,

Defendants.

Case No. 3:19-CV-001265-JST

CLASS ACTION

**DECLARATION OF BRIAN HIGHSMITH
IN SUPPORT OF PLAINTIFFS' JOINT
MOTION FOR APPOINTMENT OF
INTERIM CLASS COUNSEL**

Date: June 6, 2019
Time: 2:00p.m.
Location: Courtroom 9
Judge: The Honorable Jon S. Tigar

STEVEN BREAUX, individually and on
behalf of all other similar situated individuals,

Plaintiff,

v.

ACCREDITED CASUALTY AND SURETY
COMPANY, INC., et al.,

Defendants.

Case No. 3:19-CV-00717-JST

1 I, Brian Highsmith, declare as follows:

2 1. I am an attorney at the National Consumer Law Center (“NCLC”), counsel for
3 Plaintiffs Shonetta Crain and Kira Serna in *Crain et al. v. Accredited Surety & Casualty Co., et*
4 *al.*, Case No. 3:19-cv-001265-JST (N.D. Cal.). I have personal knowledge of the facts herein
5 and, if called upon to testify to those facts, I could and would do so competently.

6 2. I am a Skadden Fellow and staff attorney at the National Consumer Law Center in
7 Boston, Massachusetts.

8 3. I have been admitted to practice by the Maryland bar.

9 4. I am a graduate of Yale Law School (J.D., 2017) and Furman University (B.A.,
10 magna cum laude, 2010).

11 5. My litigation and advocacy at NCLC aims to address the different ways that
12 interactions with our criminal legal system result in unfair and unaffordable financial obligations
13 for low-income families.

14 6. I have worked to support a class action lawsuit, *Egana v. Blair’s Bail Bonds, Inc.*,
15 No. 17-5899 (E.D. La.), challenging New Orleans bail bond companies charging illegal fees and
16 engaging in other abusive practices, in violation of consumer protections.

17 7. I am an attorney of record representing the proposed class in a class action lawsuit,
18 *Pearson et al v. Hodgson et al.*, No. 1:18-cv-11130 (D.Mass.), challenging an illegal kickback
19 scheme between the Bristol County sheriff’s office and telecom vendor Securus Technologies
20 that nearly doubles the cost of calls made by prisoners in Massachusetts correctional facilities.

21 8. In June 2018, I was invited to testify at a New York State listening session about
22 consumer abuses in the bail bond industry, convened by Governor Cuomo on behalf of the
23 Department of Financial Services, the Division of Consumer Protection and the Division of
24 Criminal Justice Services. *See* Brian Highsmith, Testimony before New York’s Bail Bond
25 Reform Listening Session (June 11, 2018), available at [https://www.nclc.org/images/pdf/](https://www.nclc.org/images/pdf/criminal-justice/testimony-highsmith-ny-bail-bond.pdf)
26 [criminal-justice/testimony-highsmith-ny-bail-bond.pdf](https://www.nclc.org/images/pdf/criminal-justice/testimony-highsmith-ny-bail-bond.pdf).

27 9. I am the author of “Commercialized (In)Justice: Consumer Abuses in the Bail and
28 Corrections Industry”(March 2019), <https://www.nclc.org/images/pdf/criminal-justice/report->

1 [commercialized-injustice-dec2018.pdf](#), which discusses at length consumer abuses observed in
2 the commercial bail industry.

3 10. I am a co-author of an article, “Crimsumerism: Combating Consumer Abuses in
4 the Criminal Legal System,” published this month in the *Harvard Civil Rights-Civil Liberties*
5 *Law Review*, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3354644. The
6 article discusses specific applications of various state and federal consumer protection laws to
7 consumers of commercial bail contracts.

8 11. I also have written other articles about the criminalization of poverty in various
9 consumer law contexts. For example, I am the lead author of a report about a recent trend of
10 companies pursuing criminal charges against low-income consumers who fall behind on
11 payments in “rent to own” transactions. See Brian Highsmith & Margot Saunders, “The Rent-To-
12 Own Racket: Using Criminal Courts to Coerce Payments from Vulnerable Families,” National
13 Consumer Law Center (Feb. 2019), available at [https://www.nclc.org/images/pdf/criminal-](https://www.nclc.org/images/pdf/criminal-justice/report-rent-to-own-racket.pdf)
14 [justice/report-rent-to-own-racket.pdf](https://www.nclc.org/images/pdf/criminal-justice/report-rent-to-own-racket.pdf).

15 12. In addition to my litigation and advocacy on civil rights and criminal justice
16 issues, I have worked in economic policy on issues related to poverty. I served as a policy advisor
17 in the White House National Economic Council between 2012 and 2014. In 2017, I was a policy
18 fellow in the Office of Senator Cory Booker, focusing on antitrust law and competition policy.

19 13. In light of my extensive research of the bail bond industry and familiarity with
20 economic justice and civil rights issues, my participation on behalf of the proposed class will help
21 advance their interests.

22 I declare under penalty of perjury under the laws of the United States that the foregoing is
23 true and correct.

24 Executed on the 1st of May, 2019 in Boston, Massachusetts.

25
26 /s/ Brian Highsmith
Brian Highsmith